

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ENTROPIC COMMUNICATIONS, LLC,

*Plaintiff,*

v.

CHARTER COMMUNICATIONS, INC.,

*Defendant.*

Case No. 2:22-cv-00125-JRG

**JURY TRIAL DEMANDED**

**JOINT MOTION FOR LEAVE TO SUPPLEMENT EXPERT REPORTS**

Plaintiff Entropic Communication, LLC (“Entropic”) and Defendant Charter Communications, Inc. (“Charter”) file this Joint Motion for Leave for Charter to serve a Supplemental Opening Expert Report of Steven H. Goldberg Regarding Invalidity of Claims 3–6 of U.S. Patent No. 8,792,008 (the “’008 Patent”) and for Entropic to serve a Supplemental Rebuttal Expert Report of Matthew A. Pooley Regarding Validity of Claims 3–6 of ’008 Patent (the “Motion”).

Entropic served its infringement contentions on Charter on July 5, 2022, pursuant to Local Patent Rule 3-1 and the Docket Control Order. On September 2, 2022, pursuant to Local Patent Rule 3-3 and the Docket Control Order, Charter served its invalidity contentions. On May 31, 2023, this Court granted Entropic’s request to supplement its infringement contentions (*see* Dkt. 111), which Entropic had previously served on Charter on March 10, 2023.

On July 13, 2023, this Court granted the parties’ Joint Motion for Leave to Supplement Infringement and Invalidity Contentions (*see* Dkt. 132) which granted (1) Entropic’s request to supplement its infringement contentions, which it had previously served on June 30, 2023 and which, among other things, asserted additional claims from the ’008 Patent (claims 3–6 in addition

to previously asserted claims 1–2), and (2) Charter’s request to serve its supplemental invalidity contentions on claims 3–6 of the ’008 Patent by August 10, 2023.

The parties have agreed that both sides will provide supplemental expert reports on claims 3–6 of the ’008 Patent. Charter served its supplemental invalidity contentions on claims 3–6 of the ’008 Patent on August 4, 2023 and will serve its Supplemental Opening Expert Report of Steven H. Goldberg Regarding Invalidity of Claims 3–6 of the ’008 Patent on August 14, 2023. Entropic will serve its Supplemental Rebuttal Expert Report of Matthew A. Pooley Regarding Validity of Claims 3–6 of ’008 Patent on August 18, 2023.

The parties have conferred on the timing of expert depositions and have agreed that on August 22, 2023, Entropic will take the deposition of Dr. Goldberg on both the Opening Expert Report of Steven H. Goldberg Regarding Invalidity of U.S. Patent Nos. 8,223,775; 8,284,690; 8,792,008; 9,210,362; 9,825,826; and 10,135,682, and the Supplemental Opening Expert Report of Steven H. Goldberg Regarding Invalidity of Claims 3–6 of the ’008 Patent. The parties have also agreed that Charter will take the deposition of Dr. Pooley on August 22, 2023, on both the Rebuttal Expert Report of Matthew A. Pooley Regarding Validity of U.S. Patent Nos. 8,792,008 and 9,825,826, and the Supplemental Rebuttal Expert Report of Matthew A. Pooley Regarding Validity of Claims 3–6 of ’008 Patent. Therefore, no extension to the deadline for expert discovery is necessary to accommodate this Motion.

**Charter’s Statement Of Good Cause To Serve A Supplemental Opening Expert Report of Steven H. Goldberg Regarding Invalidity of Claims 3–6 of the ’008 Patent**

Good cause exists for the Court to grant this Motion with respect to Charter’s request to supplement the Opening Expert Report of Steven H. Goldberg Regarding Invalidity of Claims 3–6 of the ’008 Patent.

Dr. Goldberg's opening expert report regarding invalidity of, *inter alia*, the '008 Patent was served on July 21, 2023 and addressed only claims 1 and 2 of the '008 Patent because Dr. Goldberg did not have sufficient time to consider newly asserted claims 3–6. The motion to supplement the infringement contentions to add these new claims was not granted until July 13, 2023 and Entropic did not identify these claims until June 23, 2023. Per the parties' prior agreement, Charter supplemented its invalidity contentions on claims 3–6 of the '008 Patent on August 4, 2023. Supplementation of Dr. Goldberg's opening expert report is now necessary in order for him to address claims 3–6 of the '008 Patent. Moreover, Entropic does not oppose Charter's supplementation.

**Entropic's Statement Of Good Cause To Serve a Supplemental Rebuttal Expert Report of Matthew A. Pooley Regarding Validity of Claims 3–6 of '008 Patent**

Good cause exists for the Court to grant this Motion with respect to Entropic's request to supplement the Rebuttal Expert Report of Matthew A. Pooley regarding Validity of Claims 3–6 of the '008 Patent.

The Court previously granted Entropic's motion to supplement its infringement contentions to add claims 3–6 of the '008 Patent. Charter needed additional time to address its position on the validity of these claims, and will be serving a supplemental report from Dr. Goldberg to address these claims on August 14, 2023. Thus, claims 3–6 of the '008 Patent were not included in Dr. Goldberg's opening report served on July 21, 2023. On August 11, 2023, Dr. Pooley served his rebuttal expert report on the validity of claims 1 and 2 of the '008 Patent. Therefore, supplementation of Dr. Pooley's rebuttal expert report is now necessary in order for him to address the validity claims 3–6 of the '008 Patent. Moreover, Charter does not oppose Entropic's supplementation.

For these reasons, Entropic and Charter respectfully request the Court grant their Motion.

Dated: August 14, 2023

Respectfully submitted,

/s/ James Shimota

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via email on all counsel of record on August 14, 2023.

/s/ Elizabeth Long  
Elizabeth Long

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies pursuant to Local Rule CV-7(i) that the relief requested in this motion is agreed.

/s/ Elizabeth Long  
Elizabeth Long